

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MILFORD WASHINGTON,

(Formerly in the Superior Court of  
DeKalb County, Case No.: 23-cv-  
2164)

Plaintiff,

v.

CASE NO.: \_\_\_\_\_

UNITED TN HOLDINGS, INC.,  
AND TOYOTA MOTOR CREDIT  
CORPORATION, ET. AL.

Defendant.

\_\_\_\_\_/

**TOYOTA MOTOR CREDIT CORPORATIONS' NOTICE OF REMOVAL**

Defendant, Toyota Motor Credit Corporation ("TMCC"), through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332 and 1441(b), hereby files this Notice of Removal and thereby removes to the United States District Court an action which is pending in the Superior Court of DeKalb County, Georgia. The facts and legal authority supporting this Notice of Removal are as follows:

This Notice of Removal is founded and based upon diversity jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1441(b). Plaintiff, Milford Washington

(“Plaintiff”), originally filed this civil action on or about February 24, 2023 in the Superior Court of DeKalb County, Georgia. Plaintiff alleges causes of action for (i) fraud and deceit, (ii) specific performance/temporary restraining order, and (iii) punitive damages and seeks damages in the amount of \$22,876.29, punitive damages in the amount of \$91,505.16, plus court costs and expenses of litigation. *See* Compl., ¶¶ 51, 58 and 60. As required by 28 U.S.C. § 1446(a), a copy of the process, pleadings, orders and other documents presently contained in the state court file and available for copying are attached to this Notice as **Composite Exhibit 1**.

# **I. DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1331**

## **A. Complete Diversity Exists.**

1. Plaintiff is a citizen of Washington, D.C. *See* Compl., ¶ 1.
2. In regard to the citizenship of Defendants, a corporation is a “citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C.A. § 1332(c)(1); *Roan v. Anderson Trucking Serv., Inc.*, No. CIV.A.7:07CV185 HL, 2007 WL 4097321, at \*1 (M.D. Ga. Nov. 15, 2007).
3. Defendant, United Recovery and Remarketing, LLC and UAR Direct, LLC was improperly named as United TN Holdings, Inc. (“United”). United Recovery and Remarketing, LLC is owned by Kevin Wilson and Kerry Sernel, each 50%. Both individuals are citizens of Tennessee. UAR Direct, LLC is owned 99%

by UADR Holdings, Inc., 0.05% by Kevin Wilson and 0.05% by Kerry Sernel. UADR Holdings, Inc. is owned by Bob and Nelda Wilson, each owning 49.5%, and Kevin Wilson and Kerry Sernel, each owning 0.5%. All individuals are citizens of Tennessee. UADR Holdings, Inc. was incorporated in Tennessee and the principal place of business is in Tennessee.

4. TMCC is a wholly owned subsidiary of Toyota Financial Services International Corporation. Toyota Financial Services International Corporation is a wholly-owned subsidiary of Toyota Financial Services Corporation. Toyota Financial Services Corporation is a wholly-owned subsidiary of Toyota Motor Corporation, which is a publicly held corporation. TMCC is a California corporation with its principal place of business in Texas.

5. As such, there is complete diversity of citizenship between the parties.

**B. The Minimum Amount in Controversy Is Satisfied.**

6. In his Complaint, Plaintiff expressly alleges that he is entitled to damages totaling \$114,381.45, plus court costs and expenses of litigation. *See* Compl., ¶¶ 51, 58 and 60. Thus, the amount in controversy, inclusive of interest and costs, exceeds the sum or value of \$75,000.

## **II. TIMELINESS OF REMOVAL**

7. Defendant was served with process on February 24, 2023. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

## **III. THE VENUE REQUIREMENT IS MET**

8. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state-court action is pending.

## **IV. CONSENT OF CO-DEFENDANT**

9. Defendant United consents to removal of this action to federal court.

## **V. NOTICE TO PARTIES AND TO THE CIRCUIT COURT**

10. Written notice of the filing of this Notice of Removal is being served on Plaintiff and a copy of this Notice of Removal is being filed with the Clerk of Court for the Superior Court of DeKalb County, Georgia in compliance with 28 U.S.C. 1446(d).

## **VI. CONCLUSION.**

Because this action is wholly between citizens of different states, and because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, this Court has diversity jurisdiction over this action, and this case is removable on that basis. 28 U.S.C. § 1332; 28 U.S.C. § 1441(b).

By this Notice, Defendant does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. Defendant does not intend any admission of fact, law or liability, and expressly reserve all defenses, motions and/or pleas.

WHEREFORE, Defendant respectfully request that the above-styled action now pending against it be removed from the Superior Court of DeKalb County, Georgia and proceed in the United States District Court for the Northern District of Georgia, as an action properly removed thereto.

Dated: March 27, 2023.

**HOLLAND & KNIGHT LLP**

/s/ Matthew T. Covell

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*Attorneys for Defendant*

*Toyota Motor Credit Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I filed the foregoing with CM/ECF and a copy was also served on Plaintiff via e-mail and U.S. Mail, proper postage affixed and addressed as follows:

Milford Washington  
700 12th Street SE #210  
Washington, DC 20003  
Email: [milfordwashington@outlook.com](mailto:milfordwashington@outlook.com)

This 27th day of March, 2023

**HOLLAND & KNIGHT LLP**

/s/ Matthew T. Covell

Matthew T. Covell

Georgia Bar No. 190735